

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:92CR12
Plaintiff,)	
)	
v.)	
)	MEMORANDUM
TRACY N. LOMAX, a.k.a.)	AND ORDER
AHAD HASAN,)	
)	
Defendant.)	

The defendant distributed over 12 kilos of “crack.” Since the retroactive amendment to the “crack” Guidelines do not result in a change in the defendant’s sentencing *range* (it remains life in prison), the defendant’s motion must be denied because I lack the power to give him any relief.¹ See, e.g., [United States v. Valentine, —F. Supp. 2d —, 2008 WL 2695944 at * 3-4 \(D. Neb., July 9, 2008\)](#) (holding that where a defendant was held responsible for distribution of 5 kilos of “crack,” and the defendant’s sentencing range was not changed by amendments to the “crack” Guidelines, the court had no power to reduce the defendant’s sentence under [U.S.S.G. § 1B1.10\(a\)\(2\)\(B\) \(2008\)](#) and [18 U.S.C. § 3582\(c\)\(2\).](#))

IT IS ORDERED that the defendant’s request for an evidentiary hearing and motion to reduce sentence pursuant to crack cocaine amendment ([filing 747](#)) are denied. The probation officer is directed to file a copy of the “Retroactive Sentencing Worksheet” in the court file.

September 10, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge

¹I would reduce his sentence under [18 U.S.C. § 3553\(a\)](#) if I had the power and the discretion to do so. As I said a long time ago, a life sentence for this young man is far too long. [United States v. McMurray, 833 F. Supp. 1454, 1485 \(D. Neb. 1993\)](#).